



JAMES E. JOHNSON  
Corporation Counsel

THE CITY OF NEW YORK  
**LAW DEPARTMENT**  
100 CHURCH STREET  
NEW YORK, NY 10007

Melanie V. Sadok  
phone: (212)356-4371  
fax: (212)356-2019  
email: msadok@law.nyc.gov

August 17, 2020

**By ECF**

The Honorable Laura Taylor Swain  
United States District Judge  
United States District Court, Southern District of New York  
500 Pearl Street  
New York, New York 10007

**MEMO ENDORSED**

Re: Noel, et al. v. City of New York, 1:15-CV-05236 (LTS)(KHP)

Your Honor:

I am an Assistant Corporation Counsel in the office of James E. Johnson, Corporation Counsel of the City of New York, attorney for defendant the City of New York in the above-referenced matter. I am writing to request that the Court deem the City's August 14-15, 2020 filings timely. The City encountered filing issues with the exhibits to the Polifione Declaration (ECF 903 and 905) which it had started filing well before midnight. Unfortunately, each exhibit had to be reloaded each time we attempted to file, and there were multiple attempts. Ultimately, Ms. Polifione filed ECF 903 before midnight but needed to finish the exhibits and thus re-filed the declaration with the remaining exhibits (ECF 905) shortly after midnight (thus together ECF 903 and 905 contain the full set of exhibits). While focusing on resolving the issues with the exhibits to the Polifione Declaration, we lost track of time and shortly before midnight realized we hadn't yet filed our 56.1 Statement (ECF 904). We started that filing before midnight and I believe it was deemed filed at midnight. We respectfully request that ECF 905 and 904 be deemed timely filed, and that ECF 903 and 905 be deemed properly filed.

Thank you for your consideration of this matter.

The request is granted. DE# 906 resolved.  
SO ORDERED.  
9/24/2020  
/s/ Laura Taylor Swain, USDJ

Respectfully submitted,

/s/

Melanie V. Sadok  
Assistant Corporation Counsel

cc: **By ECF**  
*Attorneys for Plaintiffs*